

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

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|---------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 14-00207-01-CR-W-HFS |
| |) | |
| MARIO ALI HOLMES, |) | |
| |) | |
| Defendant. |) | |

MOTION FOR CONTINUANCE
WITH SUGGESTIONS

COMES NOW the defendant, Mario Ali Holmes, by and through his counsel, Carie Allen, Assistant Federal Public Defender for the Western District of Missouri, in accordance with Rule 47, Fed. R. Crim. P., and Rule 7.1 (b) and (c) of the Local Rules of Procedure for the United States District Court for the Western District of Missouri, and moves this Court, pursuant to 18 U.S.C. §3161(h)(7)(A) and (B), to remove this case from the Accelerated Joint Criminal Trial Docket scheduled to commence September 29, 2014, and to continue this case until the Accelerated Joint Criminal Trial Docket scheduled to commence on February 23, 2015.

SUGGESTIONS IN SUPPORT OF MOTION FOR CONTINUANCE

1. On July 17, 2014, a criminal complaint was filed in the Western District of Missouri charging defendant with bank robbery in violation of 18 U.S.C. § 2113(a).
2. On that same date, the Federal Public Defender's Office was appointed to represent Mr. Holmes.
3. On July 22, 2014, defendant appeared before the Honorable John T. Maughmer, United States Magistrate Judge for a detention and preliminary hearing.
4. On July 28, 2014, a motion for determination of competency was filed.

5. On July 29, 2014, an indictment was filed in the Western District of Missouri charging the defendant with bank robbery in violation of 18 U.S.C. § 2113.

6. On August 5, 2014, the Court granted the motion for determination of competency.

7. On August 7, 2014, defendant appeared before the Honorable John T. Maughmer, United States Magistrate Judge for an initial appearance and arraignment.

8. Additional time is needed for the completion of the competency exam and for defendant to be returned to the Western District of Missouri. Defendant has not filed a previous continuance motion.

9. This continuance is sought not for purpose of dilatory delay, but is sought in truth and fact that the defendant may be afforded due process of law under the Fifth Amendment to the United States Constitution. In accordance with 18 U.S.C. §3161(h)(7)(A) and (B)(iv), it is submitted that the above-stated reasons for a continuance outweigh the best interests of the public and the defendant to a speedy trial, which is required by 18 U.S.C. §3161(c)(1).

10. Under the provisions of 18 U.S.C. §3161(h)(7)(A) the period of time until the next criminal trial docket should be excluded in computing the period of time in which the defendant should be brought to trial under the provisions of the Speedy Trial Act.

WHEREFORE, the defendant, Mario Ali Holmes, respectfully requests this Court, pursuant to 18 U.S.C. §3161(h)(7)(A) and (B), to remove this case from the Accelerated Joint Criminal Trial Docket scheduled to commence September 29, 2014, and to continue this case until the Accelerated Joint Criminal Trial Docket scheduled to commence on February 23, 2015.

Respectfully submitted,

/s/ Carie Allen

Carie Allen

Assistant Federal Public Defender

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

In accordance with Rule 49(a), (b) and (d), Fed. R. Crim. P., and Rule 5(b), Fed. R. Civ. P., it is hereby CERTIFIED that on August 21, 2014, the foregoing motion was electronically filed and delivered to Bruce Rhoades, Assistant United States Attorney, 400 E. 9th St., Kansas City, MO 64106.

/s/ Carie Allen
Carie Allen